

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Michelle A. Iwamoto on 3/21/12.

The application has been amended as follows:

#### IN THE CLAIMS:

1. Please AMEND Claim 48 as follows:

48. The liposomal formulation according to claim 46, wherein the oligonucleotides ~~are constituted~~ comprise [[5-100]] deoxyribonucleotides, ribonucleotide or chemically modified derivatives thereof, which are 5-100 bases in length.

2. Please AMEND Claim 54 as follows:

54. A method of ~~treating~~ delivering an oligonucleotide to a mammal ~~with a drug~~ comprising administering to the mammal the ~~drug~~ oligonucleotide in the liposomal formulation of claim 46. (altered to broaden, and remove issues of possession and enablement.)

3. Please AMEND Claim 57 as follows:

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57. The method of claim 54, wherein the liposomal formulation further includes one or more active substances.

The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Applicant must provide two more copies of the color photographs. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

The following is an examiner's statement of reasons for allowance: The art does not teach or make obvious the claimed compositions. Moreover, Applicant has described unexpectedly stable compositions commensurate with the claimed scope in the specification.

For the record, the German-language documents have been considered only the basis of their abstracts, as that is the only portion provided with an English translation. The previously-considered documents are labelled "DUPLICATE", as they have been considered previously with the OA of 10/18/11.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 46-60 are allowed.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT M. KELLY whose telephone number is (571)272-0729. The examiner can normally be reached on M-F, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Woitach can be reached on (571) 272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROBERT M KELLY/  
Primary Examiner, Art Unit 1633